HEALTH AND HUMAN SERVICES DEPARTMENT

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City of Portland, Maine

Public Safety and Health & Human Services Department

May 17, 2012 Meeting Minutes

Committee Attendance: Chair Suslovic, Co-Chair Coyne, Councilor David Marshall and Councilor Jill Duson.

City Staff Attendance: Doug Gardner, HHS; Ann Freeman and Danielle West-Chuhta, Corporation Counsel; Deputy Fire Chief Terry Walsh, Lt. Ben Wallace, Capt. Chris Pirone, Chief Stephen Smith; Portland Fire Dept. Michele Sturgeon, PHD/HHS; Josh O'Brien, SSD/HHS; Amy Pulaski, Housing.

AGENDA ITEM 1 – Review and Approval of Minutes – March 15 2012 Meeting:

Meeting was called to order by Chair at approximately 6:10 PM. Motion to approve Minutes, 2nd and passed.

AGENDA ITEM 2 – Substantial Amendment to the HUD 2011-2012 Consolidated Annual Action Plan for Additional Emergency Solutions Grant Funds:

Amy Pulaski gave an overview of the history of the HPRP Program and indicated the grant finishes up this year. The new HUD grant is called Emergency Solutions Grant in which HUD has added new rules but also more money. Amy explained the budget by Program and line items.

She is looking for Committee recommendations; item is slated for Council Agenda Monday June 4th for 2nd reading.

The Committee opened this portion of the meeting up to Public Comment:
Seeing no Public Comment, comments were closed.

Vote for passage; All in favor 3-0 passed.

<u>AGENDA ITEM 3 – Proposed Changes to Chapter 10; Fire Prevention and Protection:</u>

Danielle West-Chula gave an overview history of the Fire Safety Codes and reviewed each proposed change.

Lt. Wallace addressed the Committee and then gave an overview of the over capacity problem they are seeing at the Grange Hall. These changes would apply to commercial and non-commercial properties. The Dept is looking for guidance on this matter.

Lt. reviewed each change they would like to see.

Councilor Marshall asked for clarification – if the committee does nothing, then outdoor fireplaces will be allowed. Yes correct. Councilor indicated he is comfortable with this. Councilor also asked for clarification of types of non-commercial. Lt clarified that it indeed only applies to commercial properties as the State would cover.

Committee asked if the parties had been notified. Yes, the Grange Hall has applied for a permit and is currently on hold.

Lt is asking for Recommendation to move forward to the full Council.

Meeting was open to Public Comment:

Seeing none, Public Comment was closed.

Lt. Wallace clarified that the City has the ability to decide fire safety codes. We are moving closer to consistency with the State and National Fire Safety Codes.

Chair Suslovic received a call today regarding outdoor burning of brush on the Islands. Lt indicated that yes it can be done – below the high tide line.

Option 1 would bring the City in line with National Safety Codes – Chair Suslovic indicated he was comfortable with this. Councilor Marshall agreed he feels comfortable enforcing what is currently on the books.

A Motion was made by the Committee and 2nd. 3-0 passed.

AGENDA ITEM 4 – New Emergency Medical Services Rules Briefing:

Deputy Chief Terry Walsh gave an overview of the new EMS Rules in treating cardiac victims. They discovered that what was being done in the field is exactly the same as in the hospital. He indicated these changes have been in effect since December 2011 and is statewide.

Deputy Chief reviewed the Termination of Resuscitation.

Councilor Marshall confirmed that this was only a Notification to the Committee.

Councilor Duson does not agree with the new guidelines.

Chair Suslovic questioned if this could take Medcu out of service? Yes, Terry gave an example of how Medcu could be taken out of service and the Committee discussed.

No public comment and no action required.

AGENDA ITEM 5 – Farmer's Market Rule Amendment:

This item is postponed until the June meeting.

AGENDA ITEM 6 – Food Truck Task Force Recommendations:

Ann Freeman from Corporation Counsel addressed the Committee and gave an overview history of the Task Force. Ann then introduced Task Force Committee Doug Fuchs owner of Bull Feeney's.

Chair questioned the cross representation in the industry on the sub- committee, Doug reassured the Committee there was definitely a consensus.

Task Force member Ron who owns a food truck also indicated the good diversity of the Committee and feels it will open the city up to a variety of food. He addressed the fact that many feel it would lead to the city being overrun with carts and trucks but cited various city ordinances that would prevent this from happening.

The portion of the meeting was then open to Public Comment: Please note comments are a general summary not verbatim.

<u>Speaker # 1; William Troubh- Attorney</u>**<u>:</u>**
Mr. Troubh was attending the meeting as representation for the Seadogs and as a Trustee for the Civic Center. He indicated the Seadogs just received notification of this meeting and are very concerned about safety on Park Avenue in light of upcoming construction on that road. There will be serious changes made to the street resulting in 1-lane each direction and a center turn lane. Mr. Troubh is requesting the item be tabled tonight.

<u>Speaker # 2; Chris O'Neill/</u> **<u>Greater Portland Community Chamber of Commerce:</u>**
Chris is part of the Task Force Sub-committee and indicated it was an excellent process. He strongly suggests the committee not pull apart the recommendations.

<u>Speaker #3 Steve Crane-General Manager, Cumberland County Civic Center:</u>
Steve Crane – General Manager of Cumberland County Civic Center. Steve also felt they did not receive adequate notification and is concerned about concessions revenues.

<u>Speaker #4 Ron McKay – Food & Beverage Manager/Holiday Inn By the Bay.</u>
Ron indicated the hotel's concerns about noise from the truck generators affecting the guests. He is recommending a boundary change away from the hotel.

<u>Speaker #5 Ben Berman graduate of Cape Elizabeth High School, currently Tufts University student:</u>

Ben is currently running a food truck business at Scarborough Beach. He was surprised when he proposed the idea that Portland was not receptive to Food Trucks. He would now like to move back into Portland with his business.

With no further comment, the Public Comment section was closed.

The Committee debated the items with the following concerns:

1. Safety Concerns – Any food truck has to abide by legal parking.
2. Noise issue. The Committee referenced the National Park Standards. Ann Freeman indicated the City does have a stricter ordinance which we would be using.

It was clarified that this was recommendations only, no draft ordinance.

The Committee further discussed pushcarts and the need to address retail establishments. Currently zoning does not allow for food service in Industrial Zones. Ann indicated this would need to be amended to allow food trucks. Councilor Coyne would like to see this come before Council again.

Ann reviewed potential issues moving forward with some items going to the Planning Board. She also feels the Committee will need to resolve how to handle the peninsula food overlay zone.

Doug Fuss addressed this as a member of the Nightlife Oversight Committee will be addressing NLOC first for a recommendation but gave an example that if a cart was considered to be 'unruly' the Council has the authority to pull their license.

Chair Suslovic would like to see something in the Rules and Regulations for revoking licenses similar to how liquor licenses are handled.

Councilor Duson would like to see the Committee do some more work and feels we need to have all parties weigh in on this topic. She strongly supports food trucks in Portland and feels we need to take the time to come up with a plan.

Councilor Marshall agreed he wants to see this done right and appreciates the work done by this Task Force.

Committee suggestions:

- 65 foot provisions include hotels in this.
- 'Serve to the Curb' Rule.
- Make referrals to Planning Board and would agree to Recommend with Amendment in Industrial Zone.

Chair thanked the staff and Task Force Committee members. Agrees with the zoning issues going to the Planning Board would like to also see the following:

- Specific Ordinance changes.
- Proposed Rules and Regulations. Should be 65' from front of truck to front door of an establishment. Agrees with the 'Serve to the Curb'.
- In favor of the Nightlife Oversight Committee.
- Language if owner does not adhere.
- Open to moving High Street in the overlay zone.
- Wants to see National Park Standards.

Agreed that staff will draft Ordinance and Rules & Regulations, then come back to June Public Safety/HHS Committee to present w/Public Comment.

Industrial Zones were discussed. Ann Freeman clarified that street vendors are currently not allowed because of the language of "retail establishments". Councilor Duson wants to make sure that whatever the Planning Board agrees to links up to this committee.

Motion to recommend, all in favor, unanimous.

<u>AGENDA ITEM 8: Amendment to Portland City Code, Chapter 23 re: Pawnbrokers, Junk Dealers, Secondhand Dealers and Flea Markets: (This item was taken out of order)</u>

Ann Freeman introduced the Ordinance and introduced the owners of Flea for All the business proposing new licensing and fee structures. Nathanial Baldwin and Erin Kiley are the owners.

Sgt Goodale spoke and addressed the Committee referred to the changes and indicated there is no provision or criteria for turning over stolen goods. He then referred to the language of putting a 90- day hold on property that may be stolen. He would like to see the language "retain possession of items" removed.
He would like to add the langue that if police seize property the 'victim' would become the pawnshop.

Portion of the meeting was opened to Public Comment:

<u>Speaker 1 – Gordon Smith:</u>

Attorney Smith is representing 'Portland Flea for All" in this matter and appreciates changing of weekly fee to yearly. His clients do not like the $55 fee and 6 day waiting period for permits.

<u>Speaker 2 – Jan Beitzer, Portland Downtown:</u>

Jan has worked with the owners and supports their business indicating it is a new business model.

Meeting was closed to Public Comment.

Councilor Marshall clarified it was not the fee, but the timing of the fee that does not enable vendors to set up on short notice.

Carolyn Dorr from the City Clerk's office addressed the Committee and indicating she has been working with the owners for quite some time. She gave an overview history of Flea Markets and indicated the fee and permit structure was originally intended for weekend flea markets not permanent ones. Carolyn gave an overview of logistics involved in licensing flea markets.

The Committee debated where the responsibility lies for approval vendors within the market. The owners are questioning the Administrative Fee and want the Clerk's Office to regulate Regulatory Authority.

Committee Motioned to recommend passage with the following change; 23-21 Paragraph A, remove language that pawnbrokers can store the items in question by police, add 'Police shall take possession of the item". Moved and 2nd – passed 4-0.

It was questioned by the Committee if the business itself could pay those fees and if a 3rd party can pay the fee? Yes they could pay.

Chair Suslovic does not like the idea of the business operator being the one to obtain the licenses.

Councilor Marshall will support the main motion.

All in favor, 4-0 passed as Amended.

AGENDA ITEM 7 – Subcommittee Updates; Sidewalk Vendor Task Force:

Councilor Marshall recused himself from this Agenda Item.

Jan Beitzer introduced this item and indicated the Task Force would like to come back in July. The task force is good with current rules / do not want any changes. They would like to see staff enforcing vendor setup and would like that they are present on Farmer's Market days to inspect.

The task force is putting together a brochure as an educational campaign to buy local.

Meeting was open to the public.

No public comment.

Another update will be given to the Committee in July.

With no further business to attend to the meeting was adjourned at 9:45 PM.